

UNSAFE STRUCTURES BOARD HEARING MINUTES OF February 18th, 2015

Members Present: James Cueva, Chairman James Starkweather, VC Kevin Deeb
Gordon Loader Julio Jimenez Aymara D. Riley
Jose Escandell Carlos Naumann Adebayo Coker

Excused Absent: Abel Ramirez Ramon Arronte

Staff: Kathy Charles, Acting Clerk of the Board
Latisha Byrd, Board Recording Secretary
Chris Angell, Asst. County Attorney

Court Reporter: Janice Aguirre, Miami-Dade County Court Reporters, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:25 P.M. on Wednesday, February 18th, 2015, on the 2nd Floor, Conference Rooms I & J, of the Herbert Saffir Permitting & Inspection Center, Department of Regulatory & Economic Resources located at 11805 SW 26th Street, Miami, Florida, 33175.

Mr. James Cueva requested a motion to approve and accept the minutes of the January 21st, 2015, Unsafe Structures Board Meeting. Mr. Starkweather moved to accept the minutes of the board meeting. Mr. Deeb seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Ms. Kathy Charles then announced the following Unincorporated Miami Dade County and City of Miami Beach cases that were **agreements with the Building Official/Inspector:**

Unincorporated Miami Dade County:

DC20140166087U	8670 SW 149 Avenue, #111
DCF2013113744U	15700 NW 7 Avenue, #1
DCF2013113776U	670 NW 113 Street, #1
DCF2013113833U	6400 NW 72 Avenue, #1
DCF2013115111U	260/262/264/266 NE 141 Street, #2A-2D 2
DCF2013115113U	1631 NE 114 Street, #1
DCF2013115324U	310/312/314/316 NE 141 Street, #5A-5D 5
DCF2013115325U	300/302/304/306 NE 141 Street, #4A-4D 4
DCF2013115326U	270/272/274/276 NE 141 Street, #3A-3D 3
DCF2013115327U	14093/14095/14097/14099 NE 141 Street, #1C-1D 1
DCF2014115385U	4795 NW 183 Street, #1
DCF2014115558U	9500 NW 27 Avenue, #4
DCF2014115559U	9500 NW 27 Avenue, #3
DCF2014115845U	7050 SW 87 Avenue, #1
DCF2014116104U	1701 NE 115 Street
DCF2014116105U	1655 NE 115 Street, #1B B
DCF2014116106U	1651 NE 115 Street, #1C C

City of Miami Beach:

BV13001007 724-746, 732-736 Lenox Avenue

Ms. Charles announced that the following Unincorporated Miami Dade County cases that were **No Contest/No Show for the Building Official** recommendation:

Unincorporated Miami Dade County:

DCF2013113870U	2605 NW 77 Avenue, #1
DCF2013114009U	3211 NW 37 Street, #1

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Unincorporated Miami Dade County: Cont'

DCF2014115427U	10915 NW 14 Avenue, #1
DCF2014115547U	2586 NW 103 Street, #1
DCF2014115672U	3211 NW 37 Street, #2
DCF2014115861U	7887 SW 88 Street, #1
DCF2014115954U	20841 SW 117 Avenue, #1
DCF2014115970U	22025 SW 117 Avenue, #1
DCF2014116008U	26301 S. Dixie Hwy., #1

Ms. Charles announced that the following Unincorporated Miami Dade County and City of Miami Beach cases that were **Deferred/Withdrawn by the Building Official:**

Unincorporated Miami Dade County:

DCF2014115481U	200 NE 112 Street, #1
DCF2014115546U	9145 NW 27 Avenue, #1
DC20140169326U	2301 NW 79 Street
DCF2014115390U	100 NW 176 Street, #1

City of Miami Beach:

BV13000972	543 Meridian Avenue
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The cases and photographs were submitted to the Board for review and were called into the record by Ms. Charles.

After the Board reviewed each case file, Mr. Cueva requested a motion to consolidate the deferrals, withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. Mr. Starkweather moved to accept the deferrals, withdrawals, agreed and uncontested cases as called by Ms. Charles. Mr. Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Mr. Cueva then informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

Heard Case on Record

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:45 P.M. by the Court Reporter.

Ms. Charles then called forth the case to be heard on record from the Village of Key Biscayne, Unsafe Structures Unit.

Village of Key Biscayne:

KB2015-01	12 Crandon Blvd.
KB2015-02	24 Crandon Blvd.

Mr. Robert Fine, Property Owner's Attorney, informed the Board that his client's property is located in the Village of Key Biscayne, which is considered unsafe according to the Village. He gave a description of the property and explained to the Board that his client bought the property with safety issues. Mr. Fine also informed the Board that his client had suffered throughout this matter attempting to comply with the Florida Building Code. He explained to the Board that the yellow circles on the board indicate the photos in the package that were submitted to the Board. Mr. Fine enlightened the Board that the photographs will show that they were taken onto the owner's property through a glass by the Village without authorization of the property owner. He further informed the Board that Village of Key Biscayne did grant his client an extension to obtain a permit to correct the unsafe issues and the permit had not yet expired. Mr. Fine stated that they believe

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that the structures on the properties are structurally sound and the notices are unwarranted. He then informed the Board that his client is in the process of engaging design professionals to begin the preparation of the necessary reports to comply with the 40 year recertification request. Mr. Fine further informed the Board that the buildings on the properties will continue to remain unoccupied and secured to prevent access so there is no risk to the general public. He then informed the Board that his client had been working diligently to submit an application for all required building permit(s) along with plans to sufficiently meet the requirements of the Village of Key Biscayne.

Mr. John Quick, Village of Key Biscayne Attorney, informed the Board that his Office retrieved the package today and he was not prepared to speak on the matter. He also informed the Board that the doors of the unsafe property were wide opened when the Village was there to take the photos. Mr. Quick stated that the unsafe issues on the property is a danger to the Community and read into the record the Florida Building Code 8-5(c). He gave a description of the property and informed the Board that the property is not secured and an opened fence. Mr. Quick informed the Board that the Village served the owner of the structure at 24 Crandon Boulevard with a 40 Year Recertification notice pursuant to Section 8-11 of the Miami Dade County Code. He then informed the Board that the owner of the structure was notified at a later date of its non-compliance with the requirements of Section 8-11 of the County Code and/or granted extensions to comply with the requirements. He further informed the Board that the owner has failed to take the action required to comply with Section 8-11 of the County Code. Mr. Quick enlighten the Board that it have been approximately 4 years and 2 months have passed since the Village initially notified the owner of the obligation to submit the 40 Year Recertification Report as required under County Code, Section 8-11 and all extensions granted to the owner have expired. He stated that the owner should have obtained a permit to demolish the structure before November 15th, 2014 and free of debris on the entire site before November 30th, 2014. Mr. Quick also stated that to the extent permitted by law, a lien shall be imposed on the property for all fees and costs in connection therewith.

Board Member James Starkweather explained the Board's position on the Board to make sure the property is safe and brought up to code.

Mr. Chris Angell, Assistant County Attorney, informed the Board that they could consider whether sufficient grounds or good cause exist to argue the case between the attorneys. He then explained that the Board could object if both attorneys are not in an agreement.

Chairman James Cueva clarified the unsafe structure issue with the Village of Key Biscayne on this case.

Mr. Quick reiterated to the Board there is a violation of the 40 Year Recertification on the property.

Chairman James Cueva asked the Assistant County Attorney for his advice on the procedure that the Board can take on this matter.

Mr. Chris Angell, Assistant County Attorney, informed the Board that they could consider whether sufficient grounds or good cause exist to grant an objection between the attorneys. He then explained that the Board would hear the case given that both parties are not in an agreement.

Chairman James Cueva read into the record the package that was submitted by Mr. Fine.

Board Member James Starkweather explained his concern about hearing this matter as if they are in a courtroom.

Mr. Fine pointed out to the Board that it has not been pleasant between his client and the Village of Key Biscayne.

Chairman James Cueva asked if he's speaking on the requesting to take the photos of the property.

Board Member Carlos Naumann inquired if the property secured with a fence around it.

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Assistant County Attorney Chris Angell read the number of each photographs into the record to identify them.

Board Member Amy Riley asked had this matter been ongoing for quite some time and if the owner plan to bring the property up to Code.

Mr. Fine replied that his client plans are to bring property up to code.

Chairman James Cueva inquired about the violations on the property that is preventing the owner to bring up to code.

Mr. Fine, gave a description of the property and informed the Board that this structure is a 40 year recertification case and there are some issues with correcting the violations. He further informed the Board that the property is vacant and it is a parking lot.

Board Member Amy Riley inquired if people were parking onto the property.

Mr. Fine replied that the owner have the right to not allow anyone onto property.

After some discussion, Ms. Amy Riley moved that "The Board allow the evidence be presented to the Board from the public area. Mr. Carlos Naumann seconded the motion."

Motion passed 7 to 2. (Gordon Loader and James Cueva opposed)

(For a verbatim version, please refer to the transcripts)

Mr. Quick proceeded to call the first witness Mr. Michael Mila, Chief Enforcement Officer, Village of Key Biscayne. He then asked Mr. Mila if he took the photographs which are in evidence.

Mr. Mila began providing the Board his name, title and work address with Village of Key Biscayne, then proceeded to answered "yes." He stated that he pass the property daily while driving into the Village to work and the property is in a state of abandonment. Mr. Mila also stated that the buildings are dilapidated, open and unsafe. He explained to the Board that the door was wide open during inspection and no signs indicating do not enter nor no trespassing. Mr. Mila informed the Board that there is a public sidewalk in front of the building and parking lot that is completely open. He further informed the Board that he observed cars parked in the parking lot on a daily basis that has nothing to do with the property. He also informed the Board that there is a mall adjacent across from both buildings and the property owner charge people to park in the parking lot.

Mr. Quick asked if a towing company registered within the Village that is authorized to tow vehicles from that property.

Mr. Mila replied that he do not believe that there is a registered tow company at this time within the Village. He proceeded to inform the Board that he had not heard of any car being towed un-wanting from the parking lot.

Mr. Fine interrupted that he does find that an issue or any interest to the Board and objected.

Board Member James Cueva stated that it is no relevance to the Board.

Mr. Quick mentioned the towing issue because it was addressed and came up in the prior motion to suppress.

After some discussion, Board Member Amy Riley made a motion to overrule the objection due to some relevance because it stated how many people actually visited and can be excluded from the property. Mr. Loader seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Mr. Quick informed the Board that he was going to asked Mr. Mila some questions in reference to the photographs, but not all.

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Board Member Gordon Loader asked for clarification on the context of the Village recommendation.

Mr. Quick replied to demolish because the cost of the repair exceed 50 percent of the value of the properties. He then proceeded to asked Mr. Mila if he took the photos during his inspection of the properties.

Mr. Mila responded yes. He then informed the Board that he took the photos on numerous inspections that he conducted since April 18, 2014. Mr. Mila further informed the Board that he observed a broken window and some of the exterior of the building is starting to become totally dilapidated, abandoned and possibly open. He then described the rotted drywall of the roof that may cause a collapse and fall down.

Board Member James Starkweather asked what is the percentage of the deterioration and is the property secured.

Mr. Quick responded that the percentage of the damaged exceeds 50 percent of the value of each properties. He stated that he had no further questions at the time.

Mr. Fine confirmed that Mr. Mila inspected the properties and asked when did he last time inspected the properties.

Mr. Mila responded that he took pictures today of the exterior of the properties.

Board Member Jose Escandell asked if the Village advised the owner for access in the process to perform inspections.

Mr. Mila answered that the buildings were open and unsecured. He further informed the Board that the building is open to the public and there is an imminent life safety issue in plain view.

Board Member Mr. Escandell clarified that he is not disputing the Village right, which is reflected in how the Board voted the suppressing of the photographs. He further stated that this matter had been going on for many years as Mr. Fine had described, but the photographs only started in April of last year.

Mr. Mila stated that the Village followed the procedure by giving the formal notice and placing the Notice of Violation on the building.

Board Member Mr. Starkweather asked did the Village ever sit down with the property owner to find out his intentions with the building.

Mr. Mila replied that the building are abandoned at this time. He further stated that he did not reach out to the property owner until the Building Official provided notices.

Board Member James Cueva asked if the electricity been turned off to the two structures or is the power still on.

Mr. Mila answered that he does not have access of entry of the properties to determine whether or not the power is on or off.

Board Member Mr. Cueva asked Mr. Mila that he couldn't tell whether or not if there were a meter or the power was on during his inspection.

Mr. Mila replied no.

Board Member Mr. Cueva stated that other municipalities check that out during their inspection.

Board Member Mr. Escandell asked if the meter would show in any of the photos that were taken.

Mr. Mila answered that he do not believe that there is a picture with the electrical meter.

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Mr. Quick asked Chairman of the Board if he can ask one follow-up question.

Board Member Mr. Cueva replied sure.

Mr. Quick asked Mr. Mila do he know whether the building permits will be required to repair to bring the structure from their current status.

Mr. Mila answered absolutely. He further stated that a building permit is needed to remedy the situation.

Mr. Quick then asked Mr. Mila have the building permit been applied for or pulled from the Village of Key Biscayne.

Mr. Mila responded that no permits had been applied for as of today.

Mr. Fine asked Mr. Mila if he called the electrical inspector when he saw loose wires, water since he thought it was a fear of imminent danger.

Mr. Mila informed Mr. Fine that the plumbing and electrical inspector were present onsite inspecting the properties with the Building Official. He further informed the Board that the repair cost for 12 Crandon is approximately \$150,000 to do all the electrical, \$75,000 for the plumbing, \$20,000 to install the sprinklers and about \$100,000 for the mechanical.

Board Member Mr. Cueva read into the record the Notice of Violation dated January 21, 2015 indicates approximate repair cost of \$93,000 verses and approximate value of \$10,000 which is 70 percent.

Mr. Quick asked Mr. Santiago why there is a difference with the numbers.

Mr. Santiago stated that he honestly do not know why the numbers are different.

Board Member Mr. Starkweather informed the Village that 24 Crandon Blvd. indicates that it is 40 percent, but the approximate value of \$469,000 with a different repair.

Mr. Santiago stated that the value came from the property appraiser in the amount of \$469,524 and the area of the building was 10,816 square feet.

Board Member Mr. Loader asked why is the Village recommendation is to demolish when the property owner wants to repair.

Mr. Santiago replied that the property owner can repair if that is their desire, but it is based on the square footage to repair and it will be a level three alteration and you have the FEMA concerns.

Board Member Mr. Loader asked Mr. Santiago if the property owner submitted plans.

Mr. Santiago replied yes.

Board Member Amy Riley stated that she was confused because Mr. Santiago stated under testimony that the property owner never submitted anything to the Village of Key Biscayne.

Mr. Santiago stated that plans were submitted in the last three weeks or so. He informed the Board that a set of plans for a Walgreens store were submitted to replace the two buildings. Mr. Santiago further informed the Board that the buildings must be demolished first.

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Mr. Fine informed the Board that his client had applied to the City for development rights entitlement to redevelop the property and that must be done through Zoning. He further informed the Board that there is an appeal pending and the outcome of the appeal will determine whether or not the project will go forward or not. Mr. Fine stated that the building will be demolished if the project goes forward depending on the outcome of the Zoning.

Mr. Steve Helfman, Village Attorney, stated that yesterday was the first time a conversation was held to resolve this matter. He also stated that a conversation held about potentially repairing this building, but unfortunately the conversation went into the extent of what would be necessary to repair this buildings.

Board Member Mr. Loader voiced his concerns of the safety of the buildings.

Mr. Helfman responded that safe to the Village means that the buildings complies with all of the applicable codes.

Board Member Mr. Loader asked if there an interim level of safety for the public and others.

Mr. Helfman replied no. He further stated that the building are 20 years over the 40-year recertification. Mr. Helfman also stated that there is no desire to make it safe or do anything on behalf of the property owner. He then stated that the property is safe to the property owner and this is about a zoning dispute and ongoing matter to delay the process.

Board Member Mr. Starkweather informed the Village that most of the municipalities try to help the people save their properties. He then asked Mr. Helfman if the building been there for sixty years.

Mr. Helfman replied yes. He further stated that the Village would be happy to help if there were any intent to comply by the property owner. Mr. Helfman expressed that the owner want to perpetuate this condition as long as they possible can.

Board Member Ms. Riley asked property owner Mr. David Ryanic what is his intent with the property.

Mr. Dayid Ryanic, Property Owner, informed the Board that his intent of the property is to demolish and rebuild a Walgreens store onto the property based on the outcome of the Zoning process.

Board Member Mr. Starkweather asked Mr. Ryanic how much time does he need to bring property up to code.

Mr. Ryanic responded that 120 would be wonderful.

Mr. Helfman interrupted that he know the decision is the Board and not the Village, but it doesn't make any sense that the Board is agreeable to the owner.

Board Member Mr. Cueva informed Mr. Helfman that he was out of order and the Board will proceed without him butting in. He further informed Mr. Helfman that if he interrupt again that he will dismiss him from the Board Hearing.

After some discussion, Mr. Loader moved that "Said structure must be secured within five (5) working days. The structure is to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration or graffiti. Said structure must be repaired. An engineering report on said structure must be submitted to the municipality Building Official within one hundred eighty (180) days from today. Permits must be obtained and construction completed on said building by three hundred sixty-five (365) days from today. Mr. Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

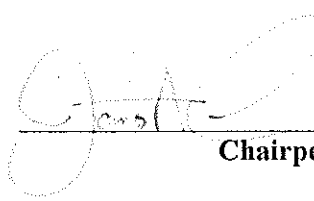
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There being no further business, a motion was made by Mr. Deeb and seconded by Mr. Starkweather to adjourn the meeting at 4:40 P.M.

Prepared by:



Recording Secretary



Chairperson

Date:

17 June 2015